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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,605	12/21/2001	Nancy J. Dodd	109.0015	4732
27997 7590 04/05/2007 PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			EXAMINER GREIMEL, JOCELYN	
			ART UNIT 3693	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/036,605

Applicant(s)

DODD ET AL.

Examiner

Jocelyn Greimel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to Applicant's Amendments and Remarks filed 08 January 2007.

#### ***Status of Claims***

2. Claims 1-29 are currently pending. Claims 1, 11, 14, 24 and 27 are currently amended. Claims 1, 11, 14, 24 and 27 are independent claims.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadigan (US Publication No. 2004/0093242) in view of Applicant's description of the prior art in the Specification. In reference to claims 1 and 24, Cadigan discloses a method and system for automatically processing claims comprising:

- a. a central server computer for receiving inputs from, and providing outputs to, a servicer terminal connected into a network, the servicer terminal capturing data from a servicer submitting a mortgage insurance claim (page 1, 0009-0010; page 2, 0024-0025;
- b. a claims database connected into the network, containing data relating to the mortgage insurance claim (page 1, 0009-0012; page 2, 0026);
- c. a claim audit rulebase connected into the network, for automatically performing an audit and adjustments of the submitted mortgage insurance claim, providing results of the audit and adjustments to the servicer at the servicer terminal, and presenting the servicer with an option to interact with a claim representative to resolve any issues (page 1, 0010-0012; page 2, 0026; page 7, 0092-0093).

6. In reference to claims 11 and 14, Cadigan discloses a method and system for automatically processing mortgage insurance claims comprising:

- a. a web server administering a network of servicer terminals connected into a network, each servicer terminal running web browser software for viewing web pages served by the web server (page 1, 0009-0010; page 2, 0024-0025);

- b. the web pages including a claim submission form for receiving claim submission data from a servicer at a servicer terminal (page 1, 0009; page 3, 0040-0042); and
  - c. a transaction server connected to the web server, the transaction server accessing a claim audit rulebase and a claims database to automatically perform an audit and adjustment for a claim submitted at a servicer terminal, and to automatically provide results of the audit and adjustment to the servicer at the servicer terminal (page 2, 0011-0012).
7. In reference to claim 27, Cadigan discloses a method for automatically processing claims comprising: receiving an electronic feed of claims data from a centralized claim repository service company (page 1, 0009-0012; page 2, 0024-0025); storing the received data in a sequential dataset in a claims file on a system mainframe; running a mainframe job to look for the claims file on the mainframe; loading data from the claims file into a claims database (page 3, 0033-0034 and 0040-0041); identifying all claims loaded into the claims database; executing a claim audit rulebase for each identified claim; updating the claims database with claim status and audit results from the claim audit rulebase; and making claims available for viewing by servicers on a website (page 4, 0051-0052).
8. In reference to claims 2-10, Cadigan discloses a method for automatically processing claims wherein: data entry fields are automatically pre-filled using stored

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data (page 1, 0011); a document generator generates a settlement letter for servicer (page 1, 0010); the claim audit rulebase determines if a payment is to be made and the projected date of payment (page 4, 0048; page 4, 0058); servicer is provided with a detailed explanation of policy exceptions identified by the rulebase (page 1, 0010-0012); a claim representative terminal connected into the network for allowing a servicer to communicate with the claim representative (abstract; page 1, 0010); the servicer communicates with the claim representative using e-mail (abstract; page 1, 0010); the servicer terminal runs a web browser and web server computer sending web pages to the servicer terminal (page 2, 0029); a transaction server for relaying data among the server computer, the claim audit rulebase and the claims database; and a document generator connected to the web server (page 1, 0009-0010).

9. In reference to claims 28-29, Cadigan discloses a method for automatically processing claims including: determining whether there have been any errors in loading the claims into the claims database and if there are any errors informing a system support group; and automatically generating an e-mail message informing a claim submitter that a claim has been received and that an audit has been completed (page 3, 0037).

10. In reference to claims 1-29, Cadigan discloses the claim limitations as detailed supra. However, Cadigan does not disclose the "data" or "claim submission data" being "related to an insured mortgage loan on a property after default on the mortgage loan by

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a borrower.” Cadigan discloses the above method, system and apparatus in relation to healthcare insurance claims. Cadigan additionally discloses that it is an “automated system for managing insurance information and processing insurance claims.” (Cadigan: page 1, 0009). Cadigan is applicable to various types of insurance claims and does not delineate specific types of insurance claims to which it is applicable – therefore the Cadigan system can be used for mortgage insurance claims. Furthermore, Applicant points out that the prior art teaches (Applicant’s Specification, page 2, lines 1-10) a need to aid in the automation of servicing mortgage insurance claims. It would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to have modified the insurance claim method of Cadigan with the mortgage insurance claim processing as detailed by the Applicant because the it would aid in the automated servicing of mortgage insurance claims (and the issues related thereto described in the Description of the Prior Art).

11. Additionally, Applicant is advised that the claim language, specifically the currently amended language of “*the data being related to an insured mortgage loan after default on the mortgage loan by a borrower*”, appears to be non-functional data. Cadigan discloses the claimed invention except for the information as claimed. It has been held that nonfunctional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. In re Ngai, F. 3d, 2004 WL 1068957 (Fed. Cir. May 13, 2004). Cf. In re Gulack 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

### ***Response to Arguments***

12. Applicant's arguments filed 08 January 2007 with respect to the rejection of claims 1-29 under 35 U.S.C. 102(a), have been fully considered but are not persuasive. Therefore, claims 1-29 remain rejected and Applicant's request for allowance is respectfully declined. In response to Applicant's arguments with regard to the data being related to mortgage insurance data and/or data related to an insured mortgage loan after default on the loan by the borrower, please see the evaluation above, specifically paragraphs 10-11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "involving the participation of a mortgage insurance servicer") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire



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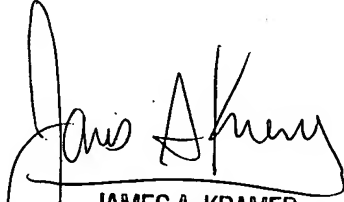
THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached at (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner, Art Unit 3693  
March 20, 2007

  
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3/21/07